IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08/10/2003

Coram

The Honourable Mr. Justice P.K. MISRA

Writ Petition No.13473 of 2001

Jayasitharathan .. Petitioner

-Vs-

1. The Registrar,
Bharathiyar University,
Coimbatore.

2. The Controller of Examination,
Bharathiyar University,
Coimbatore.

3. V.L.B. Janakiammal College of
Engineering and Technology,
Kovaipudur, Coimbatore. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issue of a Writ of Mandamus as stated therein.

For petitioner: Mr. K. Chandran, Senior Counsel
for Mr. P.V. Bakthavatchalam

For respondents: Mr. C. Chinnasamy, Senior Counsel
for M/s. S. Haja Mohideen Gisthi
for RR 1 & 2
Mr. S. Kadarkarai for R3

:O R D E R

Heard the learned counsel appearing for the parties. In this writ petition, the petitioner has prayed for a direction to the respondents to issue the Course Completion Certificate, Consolidate Mark Sheet and B.E. (Mech.) Certificate.

2. The petitioner had filed an application for admission to the Engineering Course. At that time, he was claiming that he belonged to Kattunaicken Community and therefore, a member of the Scheduled Tribe, he had given an undertaking to produce a community certificate to that effect. In the mean time, pursuant to various interim orders passed by the High Court,

the petitioner has been allowed to complete the Course and to appear at the examinations. However, the petitioner is yet to furnish the community certificate. As a matter of fact, the application for issuance of such community certificate has been rejected and a separate writ petition filed by the petitioner has been remanded for fresh consideration as per separate order passed today. Learned Senior Counsel appearing for the petitioner has submitted that even assuming that the petitioner does not belong to Kattunaicken Community, he should not be deprived of the benefit of education which he has completed.

3. It is, of course, true that if the petitioner would not have been considered as a member of the Kattunaicken Community at the stage of admission, possibly, he would not have got admission in free seat category or may be he would have got admission in some other College. However, that would not be a sufficient gro und to deprive the petitioner the benefit of education which he has completed. If a Community Certificate indicating that he belongs to Kattunaicken Community is available in future, the petitioner may get employment in the reserved category and if no such certificate is available in future, the petitioner would not get any employment in the reservation category. However, in such an event, the petitioner would be considered for employment on the basis that he does not belong to reserved category.

4. Learned counsel for the petitioner has relied upon a decision reported in 2001 (1) SCC 4 (State of Maharashtra vs. Malind and others). Even though the facts in the aforesaid Supreme Court Cases were different from the present factual scenario, I feel the ratio of the decision can be made applicable. Accordingly, a direction shall be issued to the respondents to issue necessary educational certificate and Course Completion Certificate. It is, however, made clear that merely because the certificates are issued to the petitioner, the petitioner cannot claim any employment on the basis of reserved category unless a valid community certificate is produced by the petitioner at that stage.

5. Accordingly, the third respondent is directed to issue the Course Completion Certificate, and the first respondent and the second respondent are directed to furnish the necessary degree certificates. This writ petition is allowed subject to the observation made in the writ petition. No costs.

Index: yes
Internet: yes

asvm

To

1. The Registrar,
Bharathiyar University,
Coimbatore.

2. The Controller of Examination,
Bharathiyar University,
Coimbatore.
3. V.L.B. Janakiammal College of
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